



ANIMAL LAW

The newsletter of the Illinois State Bar Association's Section on Animal Law

Comments from the Chair

By Anna Morrison-Ricordati

The Illinois State Bar Association's Animal Law Section Council presents what we hope to be the first of four newsletters for the 2010-2011 year. In this newsletter, we address such diverse topics as:

- How Durable Powers of Attorney for Pet Care can assist your clients;
- The "free-ranging," diverse, and unexpected areas of law which can affect your animal-owning, animal-possessing or animal-raising clients;
- The story of Benny and Remo, two dogs who were saved from a dog-fight, and whose unique status as the "victims" of what traditionally has been seen as a "victimless" crime, has set a new precedent in criminal sentenc-

ing;

- And finally, Part II of Ledy Vankavage's in-depth article on breed discrimination laws, their efficacy and their financial impact on the communities they are designed to protect.

These articles offer unique perspectives in the application of animal laws in transactional, legislative and litigation contexts. This Section hopes to continue the spirit of open discussion and enlightenment in the field of animal law forged by last year's Chair Amy Breyer. We invite you to read, discuss and share your thoughts on these articles so that we may better serve the attorneys who are interested in the emerging field of animal law. ■

Looking for law in all the wrong places...

Knowing where to look for the animal law statutes that may affect your practice

By Melissa Anne Maye, Editor, Animal Law Section Newsletter

Although "Animal Law" has recently been recognized as a special area of legal practice, laws affecting animal ownership have been around for as long as people have kept animals. Unfortunately, because of its disparate evolution, animal law ranges over a wide variety of topics. Potential areas of law include tort law, contract law, sales law, remedies, insurance law, criminal law, environmental law, estate planning, and administrative and regulatory law. If a potential client comes to you with an animal law-related problem, you should be aware that you may have to cover a wide range of topics to assist that client with his or her legal issue.

Some statutes affecting animals are easily

found, and make perfect sense. For example, the Animal Control Act is found at 510 ILCS 5/1 *et seq*; the Humane Care for Animals Act is found at 510 ILCS 70/1 *et seq.*, and the Domestic Animals Running at Large Act is found at 510 ILCS 55/1 *et seq.* (West 2008) are all found in the same chapter, entitled "Animals." However, a review of Illinois statutes also shows that animal ownership can have an ancillary impact on a diverse range of legal issues, including the following:

- **Tax Exemptions Imposed Under the Nursing Care Act:** The following personal prop-

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(Notice to librarians: The following issues were published in Volume 1 of this newsletter during the fiscal year ending June 30, 2010: January, No. 1; June, No. 2).

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Looking for law in all the wrong places...

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erty is exempt from the tax imposed by the Act: Semen sued for artificial insemination of livestock for direct agricultural production and horses, or an interest in horses which are registered under the Arabian Horse Club Registry of America, the Appaloosa Horse Club, the American Quarter Horse Association, the United States Trotting Association or the Jockey Club, as appropriate, used for breeding or racing for profit.

- **Rights to Graze in Drainage Ditches:** The Illinois Drainage Code provides that landowners have a right to graze their livestock in drainage ditches, but it also outlines the liability of the landowner for any damage caused by the livestock and the related expenses "incident thereto."
- **Commercial Transportation of Livestock:** Rules and regulations governing the commercial transportation of livestock on Illinois roadways can be found in the Motor Safety Carrier Regulations found at 625 ILCS 5/18b-101 *et seq.*
- **Railway Maintenance of Fences and Cattle Guards:** Railroad responsibility for maintaining fences and cattle guards in good repair can be found under the Commercial Transportation Law, Rail Carriers, under 625 ILCS 5/18c-7504.
- **Farm Nuisance Suit Limitations:** The Farm Nuisance Suit Act, found at 740 ILCS 70/1 *et seq.* insulates private farms, including dairy and livestock operations, from civil liability for private or public nuisance suits filed as a result of their operations, even if their operations change, providing that the nuisance does not result from the negligent or improper operation of the farm;
- **Fences:** The Fence Act, 765 ILCS 130/1 *et seq.* controls erecting, maintaining, and taking down fences in rural counties, and imposes conditions upon the counties for "fence viewers" to arbitrate disputes that involve neighboring fence issues;
- **Animal Cruelty:** Oddly, the consolidated cruelty to animal statutes are not found under the Criminal Code, but rather are located under Chapter 510, entitled "Animals," and is entitled the "Humane Care

for Animals Act. 510 ILCS 70/1 *et seq.*

- **Livestock Ownership and Control:** Numerous statutes involving livestock ownership and control are found under 225 ILCS 605-655, entitled "Professions and Occupations," including the Animal Welfare Act, the Illinois Dead Animal Disposal Act, the Illinois Feeder Swine Dealer Licensing Act; the Livestock Auction Market Act; the Livestock Dealer Licensing Act; the Slaughter Livestock Buyers Act; and the Specialty Farm Product Buyer Act. These statutes primarily address licensing requirements for people who engage in certain kinds of livestock activities for a living, and a practitioner should carefully review these statutes if a client engages in any of these professions or occupations, to ensure that the client is complying with the licensing rules and regulations of the Illinois Department of Agriculture and the Department of Professional Regulations.
- **Other Legal Principles Which May Apply:** A practitioner should also be cognizant of the fact that traditional common law principles might govern a particular animal law issue. Contract principles apply to boarding and breeding contracts; insurance principles govern liability issues if an animal damages property or injures a

person, or coverage issues could arise as a result of the transportation of an animal; negligence principles could apply if an owner is a ware of an animal's "mischievous propensities." Warranty and fraud issues could arise in the sale of a defective or diseased animal, and owners could also be found liable if a diseased animal causes an otherwise healthy animal to become ill or die. Nuisance issues can arise if a client keeps a large concentration of animals in one place for feeding, breeding or production purposes. Tax issues can arise from the buying or selling of livestock, or for entities that engage in animal rescue, or not-for-profit activities such as equine therapy. Finally, as it becomes more common-place to view animals as "companions" or "property-plus," as opposed to mere "property," estate planning law and damages issues in litigation addressing the care, value and status of animals is constantly evolving.

When a potential client comes into your office with a problem that involves the care, breeding, maintenance, possession, or liability attendant with animal ownership, it is a good idea for the general practitioner to be prepared to look at a wide range of topics to ensure that the client is fully represented. ■

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Durable Powers of Attorney for Pet Care

By Peter Canalia

Have you considered a Durable Power of Attorney for Pet Care? This can be a useful document during times when you, the pet owner, must “temporarily” give custody of your pet to another person; for example, when you travel for business or pleasure. In the event that your pet should require boarding, veterinarian care or hospitalization while you are away, the Durable Power of Attorney for Pet Care assures service providers that the person/caretaker (“agent”) named in your Durable Power of Attorney for Pet Care has the legal authority to authorize services provided to your pet and to contract on your behalf for payment of those services. Like all powers of attorney, its validity ceases upon your death.

Q: What is a Power of Attorney?

A: A Power of Attorney (“POA”) or letter of attorney in common law systems, or MANDATE in civil law systems, is a written authorization to act on someone else’s behalf in a legal or business matter. The person authorizing the other to act is the principal or grantor (of the power) and the one authorized to act is the agent or attorney in fact. The law requires an attorney in fact to be completely honest with and loyal to the principal in their dealings with each other. A POA may be special or limited to one specific act or type of act, or it may be general in nature. Under common law, a POA becomes ineffective if the grantor dies or becomes incapacitated. However, if the grantor specifies that the POA will continue to be effective even if the grantor becomes incapacitated, this type of POA is called a Durable Power of Attorney.

Q: What can I do to insure my pet is cared for if I am not present or I am not able to be reached by telephone or text?

A: One thing you can do is to create a Durable Power of Attorney for Pet Care (“POAPC”). This form gives a person you designate the written authority to carry out your wishes in regards to making any and all decisions with reference to your pet’s veterinary care and treatment, including making necessary arrangements for your pet at any animal hospital, emergency room or other pet healthcare facility; transfer to another appropriate veterinary service provider,

including the removal from and transfer to another facility or service provider; the power to enter into contracts on your behalf for the benefit of your pet with any service provider or veterinarian; and to assure that provisions have been made for all of your pet’s essential needs.

Q: Why is it necessary to put your wishes in writing, as opposed to just telling your pet caretaker what to do in the event of an emergency?

A: Putting the authority to care for your pet in writing eliminates any confusion that may arise in regards to your agent’s authority with respect to your pet’s care and treatment. For example, in the event of an expensive medical procedure necessitated by your pet being involved in an accident or a medical emergency, this document protects both your agent and the treating veterinarian. The agent is protected by your appointment in writing. The veterinarian is protected in following the direction of your agent, based upon the written authority granted in the POAPC.

Q: What is the benefit of having a Durable Power of Attorney for Pet Care?

A: The Durable Power of Attorney for Pet Care is based upon this common law principal. You, your agent, and any person who relies on this document will know they are protected by an age old principal of law, which in this litigious society is very comforting.

For those interested in a sample of such a document, please send an e-mail to canalia.clark@yahoo.com with a reference such as “Durable Power of Attorney for Pet Care.” ■



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Second chances for Benny and Remo—Dog fighting no longer seen as a “victimless” crime in Chicago plea agreement

By Lauren Gallagher

After spending one year, seven months, and 13 days locked in cages at Chicago Animal Care and Control (“CACC”), two canine victims of horrific violence finally received their second chance at life. On Tuesday, June 29, 2010, they boarded a flight to New York where Spirit Animal Sanctuary anxiously awaited their arrival.

Brutus and Remus¹ were seized from a dog fight bust in November of 2008 in the Englewood neighborhood of Chicago. Working together, the Cook County Sheriff’s Department and the Chicago Police Department used an informant’s tip to make the first and largest bust of an in-progress dog fight. At least 50 spectators were present at the fight, including two teenagers and a pregnant woman. They were crowded into a sewage-filled basement on the 500 block of West 66th Street. Approximately 15 minutes into the dog fight, law enforcement barged into the building and discovered a bloodied scene. Brutus was cowering in a corner of the dog fight pit near death. Remus was also suffering from significant injuries from the fight. Despite the electricity to the building being cut, the sheriffs and police corralled all of the individuals. The spectators were issued city administrative notices of violation² and three men, Trent, Norris, and Jones, were arrested and charged with a variety of dog-fighting and weapons violations.³ Brutus and Remus were seized by law enforcement and taken to CACC for medical treatment and impoundment. There is little else that law enforcement could do under these circumstances, because the offenders retain ownership of the animals as personal property.

Law enforcement has the right to seize and impound a victim of animal cruelty upon an arrest for cruel treatment, aggravated cruelty, or torture,⁴ and is mandated to seize the animals upon an arrest for animals in entertainment or dog fighting.⁵ But upon seizure, just like with the seizure of any other property, the defendant remains the owner of the property unless further action is taken. Occasionally, the offender will agree to sign over ownership of the dogs at the time of the arrest. In this case, the defendants would not agree to sign ownership rights to the

dogs over to the State, and none of the defendants would claim ownership of Remus. Thus, when they arrived at CACC, Brutus and Remus were not technically property of the State.

Other than seizure and impoundment, however, a defendant’s ownership rights in animals can be terminated in several other ways. A petition of forfeiture can be filed by the State’s Attorney during the first 14 days after the seizure of the animal.⁶ This petition asks the court to hold a hearing to permanently forfeit the defendant’s right to the animal(s) seized in the case. At this hearing, the prosecution must prove that the defendant violated the underlying charge by a preponderance of the evidence. Another option is for the shelter or animal control agency with custody of the animal to petition the court to order the defendant to post security for the care and reasonable expenses of the animal.⁷ The petitioning organization may ask for expenses that are reasonably expected to occur within the next thirty days. Every thirty days the organization may return to court to ask for the next month’s reasonably expected expenses. If the court orders a security posting, the defendant must pay the amount within five business days or he forfeits his ownership rights in the animal permanently. Finally, upon a finding of guilty, the judge can order the defendant’s ownership rights in the animal terminated. In the case of animal or dog fighting, the judge is mandated to order defendant’s rights in the animal terminated. Alternatively, the State’s Attorney can include a similar provision pursuant to the terms of a plea agreement.

Ownership rights directly impact the interactions that these dogs have with the employees and volunteers at the shelter. Because the dogs are perceived to be evidence, the shelter is hesitant to allow any interaction with them. Many Illinois shelters and animal control agencies take the position that, while the dog remains the property of the defendant, these dogs receive little or no interaction with humans beyond medical attention and cleaning kennels.⁸ As a result, for the length of the case, or for as long as the defendants refuse to sign over ownership of

the animals, these dogs only exit their cages while they are being cleaned.

In November, 2008, when these dogs were seized, almost every dog who had been impounded as evidence was immediately euthanized once the ownership rights were signed over to CACC, especially if the dog was a pit bull type dog from a dog fighting case.⁹ Circuit Court of Cook County Judge Victoria Stewart was not inclined to hold a forfeiture or security posting hearing because of this CACC policy. Judge Stewart, however, felt these dogs deserved better. For months and months, however, Brutus and Remus sat in their kennels at CACC waiting for a resolution.

As these cases continued, many changes occurred at CACC. For one thing, Cherie Travis, J.D., was appointed as the new Executive Director, and she was eager to implement new, innovative programs. One of her proposed programs was the Court Case Dog Program run by Safe Humane Chicago and Best Friends Animal Society. Under this program, once the ownership of a seized dog is turned over to CACC, Janice Triptow, an experienced trainer and behaviorist, assesses each dog and determines if the dog is adoptable. If the dog is deemed adoptable, the dog becomes a member of the Court Case Dog Program whereupon he will attend weekly training classes, as well as go on walks with trained volunteers at least once a week. Through socialization and training, the dogs become ready for transfer to another animal organization and adoption.

Unfortunately, because Brutus and Remus remained the property of the defendants for the entirety of their owners’ pending cases, they were not allowed to be assessed by a trainer to determine if these dogs were adoptable. The length of these cases further complicated their situation, because even if they entered CACC as adoptable dogs, they spent more than one full year sitting in kennels, having little interaction with people. Eventually, by mutual agreement, the court entered an order allowing for an assessment of both dogs. It was determined that they were eligible for placement in a sanctuary. Best Friends helped to secure two spaces for

the dogs at Spirit Animal Sanctuary.

At the hearing, which was conducted at the defendants' plea agreement and sentencing, several important steps were taken which signal a promising outlook for the future of animals seized as evidence. In their pleas, Defendants Trent and Norris pled guilty to promoting a dog fight and Defendant Jones pled guilty to owning a dog intended for use in a fight, and they finally agreed to forfeit ownership rights of both dogs. They were sentenced to probation for 24 months, prohibited from interacting with companion animals while on probation, mandated to attend anger management classes with training on sensitivity to animals, and ordered to submit to DNA testing. Importantly, the order also legally terminated the defendants' ownership rights in Brutus and Remus. Judge Stewart further required that the termination of ownership order refer to Brutus and Remus by name as the animal "victims."

This is the first time a court formally recognized that, just like in any other animal cruelty case, the dogs involved in dog fights are victims. This indicates a trend, that dog fighting will no longer be considered a victimless crime. Additionally, as victims, Judge Stewart ordered that the Defendants would pay a total of \$19,872 to cover the cost of the behavior assessment, the transportation, and the lifetime of care that the dogs will receive at the sanctuary. The restitution also covered the cost imposed upon CACC to care for each of these dogs for more than a year and half at the statutory rate of \$8 per day.

In the sentencing order, not only were the dogs recognized as the victims, but the defendants were required to pay for the damage done to these victims. It was truly a historic step for animals forced to participate in fighting.

With this precedent, as well as with the new programs at CACC for seized dogs, hopefully courts will begin to hold more forfeiture and security posting hearings, which will encourage defendants to sign over seized dogs as early as possible so that they do not have to sit in their kennels waiting for a resolution of their owners' cases. While this area of animal law took a historic step forward to help the animal victims in this case, it also reveals that there are still areas that need to be addressed. The dogs that remain the property of the defendants still do not receive the much needed human interaction and training until the ownership rights are

terminated, either by consent or by court order. This could prove to be a particular hardship in the rare case in which charges are brought against a defendant who is found not guilty of the offenses, and who rightfully should get his animal back. For the owners who do not care about their dogs, early surrender, coupled with professional human interaction and training, can restore the dogs to an adoptable state. However, the dogs of owners who are found not guilty should not be punished by withholding human interaction while their owners await resolution of their cases. The plight of all these dogs needs to be explored and addressed in future cases while the dogs are in the custody of the State, regardless of the status of their respective owners' cases.

Against the odds, Brutus and Remus, now Benny and Remo, survived their long wait in CACC and have new, happy lives. Benny has been fully integrated into a group of dogs whom he lives and plays with all day. Remo is still adjusting and has started playing with other dogs, but spends most of his time with people. These dogs are living examples that dogs seized in dog fighting cases are victims and deserve a second chance. ■

For more information:

On the Court Case Dog Program: <<http://www.safehumanechicago.org/Evidence-Dog-Program>>

On Best Friends Animal Society and their efforts to help pit bull type dogs: <<http://network.bestfriends.org/campaigns/pitbulls/default.aspx>>

On Spirit Animal Sanctuary: <<http://www.spirit-animal.org/index.html>>

1. The dogs arrived at CACC without any names. These names were given to the dogs by the trainer who assessed the dogs, Janice Triptow, a Community Training Partner with Best Friends Animal Society and head trainer for Safe Humane Chicago's Court Case Dog Program.

2. At the time of the fight, watching a dog fight was a Class A misdemeanor under Illinois state law. Since that time, the penalty for viewing a dog fight has been increased to a Class 4 felony.

3. Melvin Trent was charged with promoting a dog fight, 720 ILL. COMP. STAT. 5/26-5 (b), and selling/transporting a dog to be used in a dog fight, 720 ILL. COMP. STAT. 5/26-5 (c). Donaver Jones was charged with owning a dog to be used in a fight, 720 ILL. COMP. STAT. 5/26-5 (a), and providing a site to conduct a fight, 720 ILL. COMP. STAT. 5/26-5 (f). Timothy Norris was charged with promoting a dog fight, 720 ILL. COMP. STAT. 5/26-5 (b), owning a dog to be used in a fight, 720 ILL. COMP. STAT. 5/26-5 (a), and possession of a concealed weapon, 720 ILL. COMP. STAT. 5/24-1(a)(9).

4. 510 ILL. COMP. STAT. 70/3.04.

5. 510 ILL. COMP. STAT. 70/4.01(i) (mandating

seizure and impoundment of animals involved in a violation of animals in entertainment); 720 ILL. COMP. STAT. 5/26-5(j) (mandating seizure and impoundment of dogs involved in dog fighting).

6. 510 ILL. COMP. STAT. 70/3.04.

7. 510 ILL. COMP. STAT. 70/3.05.

8. Many shelters have taken this position, treating dogs that arrived as evidence differently than other dogs in the shelter, for liability or other reasons. However, it is unclear that the law would prohibit shelters from treating these dogs in the same manner that all other dogs at the facility are treated.

9. Brutus and Remus are referred to as pit bull type dogs because some of their characteristics resemble those of breeds that are associated with pit bulls, however, their specific breed make up was not known because there was no DNA testing done.



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Fiscal bite & breed discrimination: Utilizing scientific advances & economic tools in lobbying, Part II

By Ledy VanKavage and John Dunham

Part I of this article appeared in the June 2010 Animal Law Section newsletter, Vol. 1, No. 2, and can be found by members of the Animal Law Section at: <http://www.isba.org/sections/animallaw/newsletter/2010/06/fiscalbitebreeddiscrimination-utilizingscientificadv>.

Temperament Testing

Although not as scientifically sound as DNA testing, the American Temperament Test is another successful tool in preventing the panic-driven policymaking that results in breed-discriminatory laws. The American Temperament Test Society (ATTS) has developed a test that measures different aspects of canine temperament such as stability, shyness, aggressiveness, and friendliness, as well as the dog's instinct for protectiveness toward its handlers and/or self-preservation in the face of a threat. The ATTS describes its test on its Web site:

The test simulates a casual walk through a park or neighborhood where everyday life situations are encountered. During this walk, the dog experiences visual, auditory and tactile stimuli. Neutral, friendly and threatening situations are encountered, calling into play the dog's ability to distinguish between non-threatening situations and those calling for watchful and protective reactions.

Dogs must be at least 18 months old to enter the test. The test takes about eight to 12 minutes to complete. The dog is on a loose six-foot (6') lead. The handler is not allowed to talk to the dog, give commands, or give corrections.

Failure on any part of the test is recognized when a dog shows:

- Unprovoked aggression
- Panic without recovery
- Strong avoidance²⁰

The test's breed statistics show that the American pit-bull terrier and American Staffordshire terrier consistently scored above average for all breeds tested, year in and year

out.²¹

Decision-makers are often surprised to learn that American pit-bull terriers test better than golden retrievers on some occasions.²² The information provided by the test can thus be an extremely persuasive tool in shaping good legislation.

Fiscal Bite: The High Cost of Breed Discrimination

Government officials need to understand that they are incurring significant costs when they enact breed-discriminatory laws. Even before costly DNA testing entered the picture—the cost varies from \$125-\$200 per dog—breed-discriminatory laws were found to be expensive, but city officials gave little thought to the implementation of these laws.

In 1997, Prince George's County in Maryland enacted CB-104-1996, which banned pit-bull dogs. In 2002, CR-68-2002 created the Vicious Animal Legislation Task Force to evaluate the effectiveness of existing legislation and administrative regulations concerning vicious animals and to advise the county on improvements and amendments to current policies or laws. The task force found that the cost to the Animal Management Division for maintenance of pit bulls over a two-year period was approximately \$560,000. The task force found the breed-discriminatory policy to be inefficient, costly, difficult to enforce, subjective and questionable in results. It recommended repealing the breed-specific ban.²³

Despite these findings, Prince George's County has yet to repeal its breed ban. The county impounds more than 900 "pit bulls" per year. On average, more than 80 percent of the "pit bulls" impounded are maintained by the Animal Management Division throughout a lengthy hearing process and eventually euthanized merely because of their appearance.²⁴

As the Prince George's County experience attests, the rising costs of enforcing breed-discriminatory measures in these austere times should encourage officials to contemplate the fiscal impact of enacting such laws.

Unfortunately, when public policy is passed in a panicked and rushed manner, it

is unlikely that data and information on the costs, benefits, consequences or even the effectiveness of the proposed policy will make it into the debate. This is especially true when no government agency is tasked with maintaining comprehensive data on the issue.

Consider a city council trying to decide if parking meters should be removed from a street. Even if residents and businesses were emotional about the issue, the council members would receive detailed information on the number of cars that park at each meter, how much money this raised, and how much sales tax revenue each firm on the block generated. There would be a team of civil servants writing reports with detailed data, analysis and recommendations. That same city council considering a breed ban—or frankly anything involving pets—would be faced with emotional mothers, animal welfare advocates, maybe a veterinarian, but absolutely no data on which to base their decision.

The reason behind these differences is simple. Governments measure things that matter most to them. Since dogs neither vote nor pay taxes, there is a dearth of data on them. Few if any governmental bodies know even the number of dogs in their community, much less anything on the breeds of those dogs, nor their ownership patterns. Since animal control is generally a small part of government's budgets they may not even have good data on sheltering or enforcement costs. This lack of viable, actionable information provides an open playing field for emotion driven, panic policymaking.

In order to address this disadvantage, it is essential that representatives of animal-welfare organizations be as prepared as possible with sound economic and fiscal argumentation. This argumentation should be geared toward the jurisdiction in question. In other words, bringing data from Los Angeles to a meeting in Memphis is not useful. State level data is rarely useful in a local hearing.

Best Friends Animal Society took a major step forward in commissioning a study entitled "The Fiscal Impact of Breed Discriminatory Legislation in the United States."²⁵

The study estimates the number of ca-

nines in every community in the country based on federal government data. The model correlates a wide range of demographic and geographic variables, all of which are available at the community level, with known canine populations in 13 jurisdictions utilizing non-linear programming techniques. In other words, the model minimizes the differences between actual and predicted canine populations in the control cities by estimating coefficients across a wide range of available data.

Using this model, the analysis was able to determine that the number of dogs in a specific town is a function of the total number of households, total population, physical land area, the structural type of housing, the gender and ethnic mix of the community, the poverty rate and the marriage rate.

Once the total number of dogs is estimated, the number of pit-bull-type dogs is calculated using national estimates of the number of dogs affected by the breed-discrimination legislation.²⁶

Based on this model it is estimated that there are 72,114,000 dogs in the United States, with an estimated 5,010,934 pit-bull-type dogs. Note that these are not genetic

pit-bulls, but rather dogs which may be identified as pit-bulls simply due to their size and shape.

According to the study, if the United States were to enact a breed-discriminatory law, it would cost \$459,138,163 to enforce annually.²⁷ To cite a single community, the fiscal cost of a breed-discriminatory law in the District of Columbia would be \$965,990 annually.²⁸

The costs include those related to animal control and enforcement, kenneling and veterinary care, euthanasia and carcass disposal, litigation from residents appealing or contesting the law, and DNA testing. Other costs not included in this estimate may vary depending on current resources available to a specific community's animal control program. They may include additional shelter veterinarians, increased enforcement staffing, and capital improvements associated with increased shelter space needed.

Indeed, since the fiscal-impact calculator came into use, 37 cities or counties have decided against breed-discriminatory laws, while only 10 have opted for breed discrimination. ■

20. American Temperament Test Society, Description of the Temperament Test, <<http://www.atts.org/testdesc.html>>. (last visited Feb. 26, 2010).

21. American Temperament Test Society, Breed Statistics, <<http://www.atts.org/statistics.html>> (last visited Feb. 26, 2010).

22. Stefanie A. Ott, Esther Schalke, Amelie M. Von Gaertner, Hansjoachim Hackbarth, Is There a Difference? Comparison of Golden Retrievers and Dogs Affected by Breed-Specific Legislation Regarding Aggressive Behavior, *Journal of Veterinary Behavior* 3, 134-140 (2008).

23. Report of the Vicious Animal Legislation Task Force, Presented to Prince George's County Council, July 2003.

24. *Supra*, at 6.

25. John Dunham & Assoc., Inc., The Fiscal Impact of Breed Discriminatory Laws in the United States, May 13, 2009, <<http://www.guerrillaeconomics.biz/bestfriends/>>.

26. This was an average of 6.9 percent, and was calculated from local and national statistics found on media reports, animal activist reports, federal government reports, and from dog-bite victims groups.

27. *Ibid*.

28. Dunham, *supra* (The cost to other individual cities and counties can be determined online by using the study's fiscal impact calculator).

29. Best Friends Animal Society, Advocacy for Animals, BDL Scoreboard, <http://network.bestfriends.org/groups/advocacy_for_animals/media/p/155364.aspx> (last visited Feb. 26, 2010).

Upcoming CLE programs

To register, go to www.isba.org/cle or call the ISBA registrar at 800-252-8908 or 217-525-1760.

November

Thursday, 11/11/10- Teleseminar—Uniform Commercial Code Toolkit, Part 3: Secured Transactions. 12-1.

Thursday, 11/11/10- Webcast—Ethics in Estate Planning. Presented by the ISBA Trust and Estates Section. 12-1. <<http://isba.fastcle.com/store/seminar/seminar.php?seminar=5793>>.

Friday, 11/12/10- Chicago, ISBA Regional Office—Federal Tax Conference - Fall 2010. Presented by the ISBA Federal Taxation Section. TBD.

Friday, 11/12/10- Teleseminar—Ethics for Business Lawyers. 12-1.

Tuesday, 11/16/10- Teleseminar—Tax Concepts for Closely Held Companies. 12-1.

Thursday, 11/18/10- Teleseminar—Estate Planning to Avoid Probate. 12-1.

Thursday, 11/18/10- Carbondale, Southern Illinois University—Mechanics Liens and Construction Claims. Presented by the ISBA Special Committee on Construction Law; co-sponsored by the ISBA Commercial, Banking and Bankruptcy Section. TBD.

Friday, 11/19/10- Teleseminar—Claims, Liens and Surety in Construction Law. 12-1.

Friday, 11/19/10- Chicago, ISBA Regional Office—Current Issues in Criminal Law. Presented by the ISBA Criminal Justice Section; co-sponsored by the ISBA Traffic Laws and Courts Section. 9-4:15.

Tuesday, 11/23/10- Teleseminar—Role of Insurance in Real Estate. 12-1.

Tuesday, 11/30/10- Teleseminar—Ad-

vanced Techniques in Charitable Giving. 12-1.

Tuesday, 11/30/10- Chicago, Bilandic Building Auditorium—Ethics for Government Lawyers. Presented by the Government Lawyers Committee. 12:30-4:45.

December

Wednesday, 12/1/10- Teleseminar—Estate Planning for Family Businesses, Part 1. 12-1.

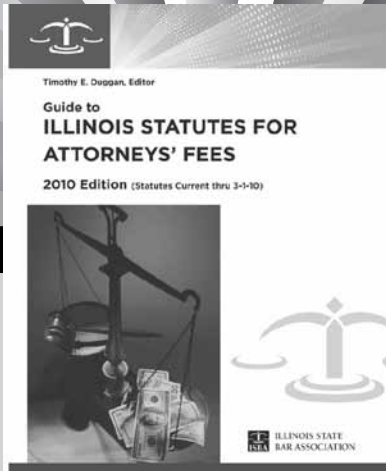
Thursday, 12/2/10- Teleseminar—Estate Planning for Family Businesses, Part 2. 12-1.

Tuesday, 12/7/10- Teleseminar—Offers-in-Compromise. 12-1.

Wednesday, 12/8/10- Teleseminar—Structuring Real Estate Investment Vehicles. 12-1. ■

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